

INVESTIGATIVE

FILE "D"

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

12OCT05

DEATH (II)

CONTROL: 12OCT05-MEBJ-0700-7HMA/C

DUSTA: [REDACTED]

DUSTA: [REDACTED]

DUSTA: [REDACTED]

V/SERHAN, FAISEL KURDI/CIV

M/W/FNXX/N//01JAN85/AR RAMADI, IRAQ

COMMAND/ALPHA COMPANY 3RD BN 172TH INFANTRY REGIMENT, ARNG/VA9A0

MADE AT/MEBJ/NCIS DET CAMP BLUE DIAMOND IRAQ/[REDACTED] SA

EXHIBIT(S)

- (1) IA: Liaison With [REDACTED] USMC, SJA 2MARDIV/
10OCT05...(Copy All)
- (2) IA: Liaison With Medical Facilities In Ar Ramadi, Iraq Area Of
Operation/10OCT05...(Copy All)
- (3) IA: Liaison with [REDACTED] ARNG, [REDACTED] of
Taskforce 1-172 Armor, Camp Ramadi, Iraq/11OCT05...(Copy All)
- (4) Military Suspect's Acknowledgement and Cleansing Waiver Of
Rights/[REDACTED] ARNG/11OCT05...(Copy All)
- (5) Sworn Statement Of [REDACTED] ARNG/
11OCT05...(Copy All)
- (6) Military Suspect's Acknowledgement and Cleansing Waiver Of
Rights/[REDACTED] ARNG/11OCT05...(Copy All)
- (7) Sworn Statement Of [REDACTED] ARNG/
11OCT05...(Copy All)
- (8) Military Suspect's Acknowledgement and Cleansing Waiver Of
Rights/[REDACTED] ARNG/11OCT05...(Copy All)
- (9) Sworn Statement Of [REDACTED] ARNG/
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- (10) Military Suspect's Acknowledgement and Cleansing Waiver Of
Rights/[REDACTED] ARNG/11OCT05...(Copy All)
- (11) Sworn Statement Of [REDACTED] ARNG/
11OCT05...(Copy All)
- (12) IA: Results Of Interview/[REDACTED] ARNG/
11OCT05...(Copy All)
- (13) IA: Results Of Interview/[REDACTED] ARNG/
11OCT05...(Copy All)
- (14) IA: Results Of Interview/[REDACTED] ARNG/
11OCT05...(Copy All)
- (15) IA: Acquisition Of Photographs/11OCT05...(Copy All)
- (16) IA: Liaison With [REDACTED] CIV/Interrogator, Camp Ramadi,
Iraq/11OCT05...(Copy All)
- (17) IA: Results Of Interview/[REDACTED] CIV/Detainee

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SUBJ: [REDACTED] ARNG
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- [REDACTED] Camp Ramadi, Iraq/11OCT05... (Copy All)
(18) IA: Results Of Interview, [REDACTED] CIV/Detainee
[REDACTED] Camp Ramadi, Iraq/11OCT05... (Copy All)
(19) IA: Liaison With [REDACTED] USMC, SJA 2MARDIV/
12OCT05... (Copy All)

EXECUTIVE SUMMARY

1. On 10OCT05 NCIS Det Camp Blue Diamond, Iraq was notified of allegations of a detainee death in the Ar Ramadi area of operation (AO). This area of operation is comprised of multiple U.S. Marine Corps, Navy and Army units under USMC Command. [REDACTED] USMC, SJA 2MARDIV, requested NCIS investigate the allegation of murder brought forward by two self proclaimed insurgents. The two insurgents alleged that U.S. Army National Guard soldiers detained them and the deceased after they were observed emplacing improvised explosive devices (IEDs) in the roadway within the Tammin area of, Ar Ramdai, Iraq. Moreover, they alleged that the deceased was told by U.S. soldiers to walk away and as he did several soldiers killed him for no reason by shooting him in the back.

2. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) convoyed to Camp Ramadi, Iraq and conducted interviews and interrogation with all parties involved. The soldiers involved provided sworn statements indicating that the deceased attempted to flee prior to allowing a search of his person. Fearing that the deceased possessed a weapon and/or an initiator for the IEDs discovered in his vehicle, soldiers engaged and killed the fleeing insurgent. All seven soldiers questioned denied the allegation that the deceased was told to simply walk away. The deceased was left in the street per the unit's standard operating procedure. No medical facilities in the area had any information regarding the deceased.

3. On 11OCT05 the two detainees alleging this crime were interviewed with the use of a Department of Defense interpreter. Both detainees gave conflicting versions of what transpired leading up to the shooting. Moreover, the detainees ultimately admitted that they did not observe the shooting therefore, were unable to validate their allegations.

4. Based on the information gleaned from multiple interviews and interrogations the allegations of murder were unfounded. On 12OCT05 RA presented the findings to [REDACTED] who concurred that the soldiers acted with the appropriate rules of engagement. [REDACTED] stated the investigation would be endorsed by the Commanding General, 2MARDIV and forwarded to MNF-W per MNC-I LOAC reporting requirements.

NARRATIVE

1. This investigation was initiated on 10OCT05 pursuant to alleged violations of UCMJ Article 118, Murder.
2. On 10OCT05 MEBJ/NCIS Det Camp Blue Diamond, Iraq was notified by [REDACTED] USMC, SJA 2MARDIV, regarding a detainee death which

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SUBJ: [REDACTED] ARNG
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occurred on 09OCT05. [REDACTED] forwarded information and copies of sworn statements given by soldiers of Alpha Company 3rd Battalion 172th Infantry Regiment, United States Army National Guard stationed at Camp Ramadi, Iraq. The documentation sent by [REDACTED] provided limited information regarding the facts of the incident wherein an Iraqi civilian was shot and killed by soldiers conducting patrols in the city of Ar Ramadi, Iraq. [REDACTED] requested NCIS assist in investigating allegations of murder voiced by two detainees who witnessed the incident. Reports provided by the soldiers involved indicated that V/SERHAN and two detainees were apprehended moments after emplacing improvised explosive devices (IEDs) in the streets of Ar Ramadi, Iraq. The reports also indicated that V/SERHAN was uncooperative and was shot and killed while attempting to flee. Exhibit (1) pertains.

3. On 10OCT05 Reporting Agent (RA) effected liaison with three U.S. military medical facilities in the Ar Ramadi area of operation: Base Aid Station, Camp Blue Diamond; Charlie Company Medical Corps, Camp Ramadi; and a representative of the Joint Civilian Commission (JCC) operating from the Government Center in Ar Ramadi, Iraq. RA inquired about the whereabouts of the deceased Iraqi insurgent, V/SERHAN, however no information was available. None of the aforementioned facilities had any knowledge regarding the incident in question or V/SERHAN. Exhibit (2) pertains.

4. Due to logistical constraints and insurgent activity in the area, RA was unable to convoy to Camp Ramadi until 11OCT05. On 11OCT05 RA and Participating Agent (PA), SA [REDACTED] convoyed to Camp Ramadi and met with [REDACTED] USA 2/28 BCT Command Judge Advocate. [REDACTED] provided additional information regarding the incident and introduced Special Agents (SAs) to [REDACTED] ARNG, Executive Officer of Taskforce 1/172 Armor. [REDACTED] provided RA with Taskforce Saber Mission Checklist which included the names of soldiers involved in the incident in question. [REDACTED] also made all personnel involved available for interviews/interrogations. Exhibit (3) pertains.

5. On 11OCT05 RA interviewed [REDACTED] ARNG [REDACTED] indicated that he was one of several soldiers who fired his weapon at V/SERHAN. RA advised [REDACTED] of his Article 31b Rights and subsequently he signed a Military Suspect's Acknowledgement and Cleansing Waiver of Right form appended as Exhibit (4). [REDACTED] gave a sworn statement indicating that his patrol was notified by an outpost that three persons were observed emplacing potential IEDs in the roadway within the Tammin area of Ar Ramadi, Iraq. [REDACTED] and his patrol were in the area and stopped a vehicle described by soldiers from the outpost. Once the vehicle was stopped, the occupants were challenged at gunpoint and ordered to exit the vehicle. As [REDACTED] approached the vehicle he noticed rifles and IED components in the back seat. [REDACTED] alerted members of his patrol unit and all occupants were pulled out of the vehicle. [REDACTED] was responsible for searching V/SERHAN for weapons and/or potential initiators for the IEDs in the vehicle. As [REDACTED]

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SUBJ: [REDACTED] ARNG
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ordered V/SERHAN to turn around in order to perform a search of his person, V/SERHAN became uncooperative and began grabbing for the barrel of [REDACTED] weapon. [REDACTED] yelled at V/SERHAN to get off his rifle at which time V/SERHAN grabbed the rifle one last time and moved it enough to escape. V/SERHAN began running away from the convoy and according to [REDACTED] kept his hands concealed near his waist. [REDACTED] feared that V/SERHAN might be armed or in possession of an IED initiator and fired his rifle multiple times until V/SERHAN collapsed in the roadway. According to [REDACTED] V/SERHAN's body was subsequently searched however, no weapons or initiators were recovered. V/SERHAN's body was left in the roadway while the two remaining detainees were secured and transported back to Camp Ramadi. [REDACTED] stated that leaving the deceased in the roadway was in accordance with the unit's standard operating procedure (SOP). Exhibit (5) pertains.

6. On 11OCT05 RA interviewed [REDACTED] ARNG
 [REDACTED] stated that he fired his weapon at V/SERHAN and RA advised him of his Article 31b Rights. Subsequently [REDACTED] signed a Military Suspect's Acknowledgement and Cleansing Waiver of Right form appended as Exhibit (6). [REDACTED] provided a sworn statement indicating that once the suspect vehicle, a black Opel, was stopped and the occupants were outside of the vehicle, he heard [REDACTED] yelling at V/SERHAN to get off his weapon. Within seconds [REDACTED] observed V/SERHAN attempting to flee. Not sure of what happened, [REDACTED] observed [REDACTED] fire his weapon at V/SERHAN and he did the same. [REDACTED] stated that he fired his weapon multiple times. Exhibit (7) pertains.

7. On 11OCT05 PA interviewed [REDACTED], ARNG
 [REDACTED] stated that he fired his weapon at V/SERHAN and PA advised him of his Article 31b Rights. Subsequently [REDACTED] signed a Military Suspect's Acknowledgement and Cleansing Waiver of Right form appended as Exhibit (8). [REDACTED] gave a sworn statement indicating that his patrol intercepted and stopped the vehicle in question. Moments after dismounting his HMMWV, [REDACTED] noticed weapons inside the suspect vehicle. The occupants were ordered out of the vehicle and V/SERHAN was uncooperative. According to [REDACTED] V/SERHAN would not allow [REDACTED] to search his person and attempted to flee the area. [REDACTED] observed V/SERHAN running away and became concerned that V/SERHAN might possess an initiator for the IEDs in the vehicle which if detonated might kill everyone in his unit. [REDACTED] stated that he fired his weapon several time striking V/SERHAN in the head at least once. Exhibit (9) pertains.

8. On 11OCT05 PA interviewed [REDACTED] ARNG.
 During the initial stages of the interview [REDACTED] indicated that he used the butt of his weapons to strike one of the detainees during the incident in question. PA terminated the interview and a short time later RA advised [REDACTED] of his 31b Rights regarding potential violation of UCMJ Article 128, Assault Consummated by a Battery. Following the advisement [REDACTED] signed a Military Suspect's Acknowledgement and Cleansing Waiver of

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SUBJ: [REDACTED] ARNG
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Rights form appended as Exhibit (10). Subsequently, [REDACTED] provided a sworn statement indicating that on 09OCT05 while patrolling the Tammin area of Ar Ramadi, Iraq his unit stopped a suspect vehicle. [REDACTED] stated that he was tasked with securing and searching the driver for weapons, explosives and IED components. The driver was uncooperative and in an attempt not to lose control of him, [REDACTED] struck the detainee with his right fist in the face. The detainee continued attempting to free himself of [REDACTED]'s grip as V/SERHAN attempted to flee. According to [REDACTED] once the gunfire began, his detainee attempted to flee in the opposite direction. In order to stop him, [REDACTED] used the butt of his rifle to regain control of the detainee. The detainee was struck once in the side of his head and stopped resisting. [REDACTED] stated that he did not discharge his weapon. Exhibit (11) pertains.

9. On 11OCT05 PA interviewed [REDACTED] ARNG. [REDACTED] stated that on 09OCT05 during routine patrol of the Tammin area of Ar Ramadi, Iraq his unit received radio traffic advising them of a suspect vehicle. Shortly after the transmission his unit spotted and stopped the vehicle. As he dismounted his HMMWV, [REDACTED] observed rifles inside the suspect vehicle. While attempting to control one of the occupants, SPC noticed that [REDACTED] was dealing with an uncooperative subject. [REDACTED] stated that he only heard V/SERHAN being engaged but did not observe the shooting. According to [REDACTED] once V/SERHAN was presumed dead, the unit was reluctant to approach the body fearing that V/SERHAN might possess an initiator for the IEDs recovered from the suspect vehicle. Exhibit (12) pertains.

10. On 11OCT05 PA interviewed [REDACTED] ARNG. [REDACTED] stated that on 09OCT05 his unit was conducting a routine patrol of the Tammin area of Ar Ramadi, Iraq when they received radio transmissions alerting them of a black Opel. Shortly after the transmission the unit intercepted and forced the black Opel to stop. [REDACTED] stated that he was manning his gun in the turret of the HMMWV. [REDACTED] stated that other members of his unit dismounted the two HMMWVs and ordered the occupants of the black Opel to exit the vehicle. [REDACTED] stated that he was focusing on the rooftops of the buildings surrounding them and was not paying attention to what was going on with the rest of the unit. [REDACTED] then heard some commotion and observed soldiers shooting at one of the insurgents as he was attempting to flee. [REDACTED] stated that he was unsure which soldiers discharged their weapons. Exhibit (13) pertains.

11. On 11OCT05 PA interviewed [REDACTED] ARNG. [REDACTED] stated that on 09OCT05 his unit was conducting routine patrols of the Tammin area of Ar Ramadi, Iraq when they received radio transmissions from an observation post (OP) regarding a suspect vehicle. Within moments the vehicle was located and forced to stop. As members of his unit dismounted the HMMWV, SPC remained inside the vehicle to operate the "CROW" weapons system. According to [REDACTED] once the

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SUBJ: [REDACTED] ARNG
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

unit dismounted he was unable to see much of what was going on because [REDACTED] stated that he was scanning the rooftops of tall buildings near their position. Shortly after shots were fired [REDACTED] observed [REDACTED] return to the HMMWV and radio someone regarding what took place and that one insurgent was shot and killed. [REDACTED] did not observe who discharged their weapon. Exhibit (14) pertains.

12. Subsequent to the interviews, RA followed [REDACTED] to his living quarters and met with [REDACTED] provided RA with five digital photographs depicting V/SERHAN after he was shot and killed. In addition he provided RA with one digital photograph depicting the IED components and weapons along with the two detainees who were with V/SERHAN at the time they were apprehended on 09OCT05; [REDACTED] detainee [REDACTED] and [REDACTED] detainee [REDACTED] Exhibit (15) pertains.

13. On 11OCT05 RA and PA met with [REDACTED] an interrogator at the Camp Ramadi, Iraq detention center. [REDACTED] was the first person to interrogate [REDACTED] and [REDACTED] when they arrived on 09OCT05. Both detainees admitted to emplacing IEDs in the roadway in the city of Ar Ramadi. Furthermore, both detainees stated that V/SERHAN was told to walk away by one of the soldiers and then shot in the back. Exhibit (16) pertains.

14. On 11OCT05 [REDACTED] joined RA and PA during interviews of the two detainees regarding the incident. The detainees were interviewed individually and gave conflicting stories as to what happened on 09OCT05 leading up to V/SERHAN's death. One detainee stated that V/SERHAN was told to walk away in Arabic while the other said that the soldier spoke in English. Further discussions revealed that neither detainee observed what actually happened because they were concerned with talking their way out of being detained, one blaming the other. [REDACTED] confirmed that the descriptions of events provided by both detainees on 11OCT05 were significantly different from the versions given on 09OCT05. Exhibits (17) and (18) pertain.

15. On 12OCT05 RA advised [REDACTED] of the findings in the investigation. RA advised that based on multiple interrogations and interviews of the soldiers and detainees, the soldiers acted within the rules of engagement. [REDACTED] concurred with RA's findings and indicated the investigation would be endorsed by the Commanding General, 2MARDIV and forwarded to MNF-W per MNC-I LOAC reporting requirements. Exhibit (19) pertains. All investigative efforts are complete. This case is closed.

PARTICIPANT(S)

[REDACTED] Special Agent, NCIS Det Camp Blue Diamond, Iraq

ACTION

DIST: Only report. Investigation is complete and the case is closed.

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SUBJ: [REDACTED] ARNG

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[REDACTED] USA 2/28 BCT CJA (H) / COMMAND (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

DUSTA: [REDACTED]

LIAISON WITH [REDACTED] USMC, SJA 2MARDIV/10OCT05

1. On 10OCT05 NCIS Det Camp Blue Diamond, Iraq was notified by [REDACTED] USMC, SJA 2nd Marine Division (2MARDIV) of an alleged violation of UCMJ Article 118, Murder. [REDACTED] provided Reporting Agent (RA) with documentation indicating that soldiers of Alpha Company, 3rd Battalion 172nd Infantry Regiment shot and killed an Iraqi citizen during routine patrols of Ar Ramadi, Iraq.
2. The documentation provided my [REDACTED] consisted of a Suspect Law of War Violation Report; copy of a sworn statement written by [REDACTED] ARNG [REDACTED] copy of a sworn statement written by [REDACTED] ARNG and copies of notes taken on 09OCT05 by [REDACTED] /CIV during interviews of [REDACTED] CIV, detainee [REDACTED] and [REDACTED] CIV, detainee [REDACTED]. Enclosures (A) through (E) pertain. The Suspected Law of War Violations Report was drafted by the [REDACTED] USMC, Ar Ramadi Detention Facility (ARDF) [REDACTED]. The report outlined the apparent injuries sustained by one of the detainees brought to the ARDF on 09OCT05. Furthermore, the report annotated the allegations voiced by both detainees who claimed that the third detainee, Faisel Kurdi SERHAN/CIV (V/SERHAN), was told by one of the soldiers to walk away and then was shot in the back and killed without reason. These allegations surfaced while both detainees were interrogated on 09OCT05 by [REDACTED] a civilian contracted interrogator at the ARDF.
3. [REDACTED] had limited information regarding the incident and the allegations made by the detainees. [REDACTED] requested that NCIS conduct an investigation regarding these allegations. Furthermore, [REDACTED] reiterated that NCIS has jurisdiction over all U.S. military units in the Ar Ramadi, Iraq area of operation (AO) because they operate under USMC 2MARDIV Command. Due to insurgent activity in the area RA was unable to convoy to Camp Ramadi until 11OCT05.

ENCLOSURE(S)

- (A) Suspect Law of War Violation Report [REDACTED] USMC, ARDF OIC/10OCT05
- (B) Copy of Sworn Statement written by [REDACTED] 09OCT05
- (C) Copy of Sworn Statement written by [REDACTED] ARNG/09OCT05
- (D) Copy of Notes taken by [REDACTED] /CIV during interview of [REDACTED] CIV, detainee [REDACTED] 09OCT05
- (E) Copy of Notes taken by [REDACTED] CIV during interview of [REDACTED] CIV, detainee [REDACTED] 09OCT05

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EXHIBIT (1) D8

12OCT05-MEBJ-0700-7HMA

SUBJ: [REDACTED] ARNG

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
DUSTA: [REDACTED]

LIAISON WITH MEDICAL FACILITIES IN THE AR RAMADI, IRAQ AREA OF OPERATION/10OCT05

1. On 10OCT05 NCIS Det Camp Blue Diamond, Iraq was contacted by [REDACTED] USMC, SJA 2nd Marine Division (2MARDIV) regarding allegations of an Iraqi detainee death. [REDACTED] had limited information regarding the incident and the whereabouts of the deceased, V/SERHAN.
2. On 10OCT05 Reporting Agent (RA) effected liaison with U.S. medical facilities in the Ar Ramadi, Iraq area of operation (AO). RA contacted the 2MARDIV Base Aide Station (BAS) aboard Camp Blue Diamond, Iraq and was instructed to contact Charlie Medical Corps (Charlie Med) aboard Camp Ramadi, Iraq. Charlie Med was unable to provide any information on V/SERHAN and indicated that no enemy killed in action (EKIA) were brought to their facility on 09OCT05. Lastly, RA contacted the Joint Civilian Commission (JCC) located in downtown Ar Ramadi. JCC also indicated that it had no information on V/SERHAN and did not recover any EKIA on 09OCT05.
3. Upon interviewing members of Taskforce 1-172 RA learned that V/SERHAN's body was left in the street per the unit's standard operating procedure (SOP). Furthermore, members of the unit stated that V/SERHAN's body remained in the street for approximately eight hours however, nobody observed who moved the deceased.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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EXHIBIT (2)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
[REDACTED]
DUSTA: [REDACTED]

LIAISON WITH [REDACTED] ARNG, [REDACTED] TASKFORCE 1-172 ARMOR/CAMP
RAMADI, IRAQ/11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA [REDACTED] effected liaison with [REDACTED], ARNG [REDACTED] Taskforce 1-172 Armor, Camp Ramadi, Iraq. [REDACTED] provided RA with the Taskforce Saber mission checklist which listed all members of Alpha Company 3rd Battalion 172th Infantry Regiment who participated in the patrol on 09OCT05. The checklist named [REDACTED] and [REDACTED] as members of the unit which engaged and killed V/SERHAN. Enclosure (A) pertains.

2. [REDACTED] provided SAs with adequate spaces to conduct interviews/interrogations of all soldiers involved. Furthermore, [REDACTED] ensured that all soldiers were available for questioning.

ENCLOSURE(S)

(A) Copy of Taskforce Saber Mission Checklist/11OCT05

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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EXHIBIT (3)

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Ar Ramadi, Iraq
Date: 11 OCT 05

I, [REDACTED] USA Army, have been
advised by SA [REDACTED] of the Naval Criminal Investigative Service that I am
suspected of violation of USMT Article 11a, Murder.

I have also been advised that:

- (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- (2) I have the right to remain silent and make no statement at all;
- (3) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: [REDACTED]

Date & Time: 11 OCT 05 1230

Witnessed: [REDACTED] Special Agent

b7C

At this time, I, [REDACTED], desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

D29

STATEMENT

Place : Camp Ramadi, Iraq HQ Battalin 1-172

Date : October 11, 2005

[REDACTED], make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of a detainee while in custody [REDACTED]

For purposes of identification, I am a [REDACTED] male with Social Security number [REDACTED]. I was born on [REDACTED] in [REDACTED]. I am [REDACTED] inches, weight [REDACTED] pounds, and have [REDACTED] hair and [REDACTED] eyes. My current residence is [REDACTED]. My current unit is Alpha Company 3rd 172nd Infantry [REDACTED]

On 09OCT05 at approximately 1730, I was made aware of Black Opel Station wagon, traveling North on RT Jones than turned in my direction, by a tank in our patrol. I pulled my Humvee in tactical position to block the oncoming vehicle. I, [REDACTED], and [REDACTED] dismounted the Humvee and approached the black Opel with weapons drawn and pointed at the occupants of the vehicle. At approximately the same time, another Humvee blocked the Opel from his direct front and approached ordering the occupants out as well. I approached the vehicle on the driver's side when the occupants dismounted their vehicle. We grouped the individuals together once we got them out of the vehicle. At this time, I noticed several AK-47s and IED making components, in the rear seats. [REDACTED]

The unit began to separate the occupants in order to detain them as well as conduct a quick search. The area was considered hot with sniper over watch, and was known to be an area where many IED's had been placed previously. My unit tried quickly to round up the occupants and obtain quick intelligence before moving out. My occupant, described as wearing a white shirt and white baggy pants. He was in his mid to late 20's with average build and a scruffy beard. As I tried to move the individual up against the vehicle, I could see he wasn't acting appropriately. The occupant would not look me in the eyes and kept looking around in all directions. I tried forcing the individual against the car when he started grabbing for my weapon. I had to move my weapon several times to keep it away from the occupant who was aggressively trying to grab it. Suddenly, the occupant turned away from the vehicle and started to run. I feared the occupant was running because he was either armed or had a detonator for the devices I saw in the vehicle. I became extremely fearful when I could not see his hands. [REDACTED]

I initially fired ^{approx} two rounds in the direction of the occupant. The first one missed the occupant and the second one struck the occupant in an unknown location. The occupant fell to his knees and continued to have his hands in front of him. I then fire again, striking the occupant and killing him. I also believe [REDACTED] fired his weapon at the fleeing occupant. I don't believe anyone else fired their weapon. I approached the individual to conduct a quick search. I patted the occupant down and did not discover anything out of the ordinary. However, I did not roll the body over. I believe someone did discover a wallet on the body, however I am not sure [REDACTED]

D30

After the shooting, a report was made via radio that a MAM was engaged. We took the other occupants into custody. The occupant's hands were bound and were blindfolded and placed into Fleischmann's Humvee. I am unaware of anything that happened with the two other occupants. We then returned to Camp Ramadi.

During this incident I feared for my life as well as for the members of my team. We were in a known hostile territory surrounded by many high rise buildings. We left the body on the side of the road because we were told the Iraqi's will take care of the dead in their own customs. I have never been involved in an incident like this before.

This statement consisting of this page and 1 other page was typed for me by SA [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature [redacted]

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq.

Witnessed [redacted]

[redacted]
Representative, NCIS

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

b7c

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Ar Ramadi, Iraq
Date: 11 OCT 05

I, [REDACTED], have been
advised by SA [REDACTED] of the Naval Criminal Investigative Service that I am
suspected of Violations of UCMJ Article 11b, Murder

I have also been advised that:

[REDACTED] Any prior illegal admissions or other improperly obtained evidence which incriminated me
cannot be used against me in a trial by court-martial;

[REDACTED] I have the right to remain silent and make no statement at all;

[REDACTED] Any statement I do make can be used against me in a trial by court-martial or other judicial
or administrative proceeding;

[REDACTED] I have the right to consult with a lawyer prior to any questioning. This lawyer may be a
civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my
counsel at no cost to me, or both;

[REDACTED] I have the right to have my retained civilian lawyer and/or appointed military lawyer present
during this interview; and

[REDACTED] I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have
decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a
lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have
been made to me.

Signature [REDACTED]

Date & Time: 11 Oct 2005 1444

Witnessed [REDACTED]

11 OCT 05

b7c

At this time, I, [REDACTED], desire to
make the following voluntary statement. This statement is made with an understanding of my rights as
set forth above. It is made with no threats or promises having been extended to me.

STATEMENT

Place : Camp Ramadi, Iraq HQ Battalin 1-172

Date : October 11, 2005

[REDACTED] make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of an Iraqi detainee while in custody. [REDACTED]

For purposes of identification, I am a [REDACTED] male with Social Security number [REDACTED]. I was born on [REDACTED] in [REDACTED]. I am [REDACTED] tall, weight [REDACTED] pounds, and have [REDACTED] hair and [REDACTED] eyes. I am currently stationed at Camp Ramadi, Iraq. My current unit is Bravo Troop 1st of the 104 Calvary, US Army. [REDACTED]

On 09OCT05 at approximately 1800 I was patrolling the 2 Bravo Section of Tammin, Ramadi. We were heading toward Route Moore when I hear something on the radio that caused me to advance in that direction. The traffic over the radio sounded that a tank in the area observed somebody on Route Jones doing something suspicious in the middle of the road. After we turned on Route Moore I pulled in front of the first vehicle I was which was a maroon colored Opel. As the vehicle stopped the second Humvee went around my vehicle advising that I stopped the wrong vehicle. By the time that I pulled around the second vehicle was already stopped and soldiers were out with their weapons drawn at the passenger. The second vehicle was a black Opel station wagon and it was occupied by three males. [REDACTED]

Once I got in front of the Opel I dismounted the Humvee and began concentrating on the rooftops of the buildings on either side of the road. I hear [REDACTED] challenge the three occupants and then he yelled that there was an AK-47 rifle in the Opel. The occupants were uncooperative and at first refused to get out of the vehicle. This was an area of town where insurgents have attacked US Forces on numerous occasions and we didn't feel safe. Once all the [REDACTED] sons were out of the vehicle they were sat down on the ground and the vehicle was searched. [REDACTED]

Once the vehicle was searched we began searching the three occupants. In order to search one of the person that I was guarding he was ordered to get down on his knees and he faced me. Within a few minutes I heard [REDACTED] yell, "Let go of my rifle!" I then heard shots being fired and I raised my rifle and fired two rounds at one of the detainees as he was running away from us. I really thought that the detainee got away and was in possession of [REDACTED] rifle so I engaged him with my rifle. I believe that at least one of my shots struck the fleeing detainee in the lower back or upper thigh. He was not bound or restrained prior to running away. This was the first time that I shot someone. [REDACTED]

Once I knew that the detainee was down I refocused my attention at the detainee in my custody. I turned him around so that he was no longer facing me. I kept scanning the area and rooftops for anymore insurgents. I then heard that order to get going and we tried to find a blindfold for the detainees but couldn't. We simply pulled his shirt over his head and got him inside one of the vehicle. [REDACTED]

D3B

[REDACTED] Opel driven by the [REDACTED] was towed back to Camp Ramadi. The subject who was shot was left on the street [REDACTED]

Once we got back to Camp Ramadi, the detainees were handed over to three persons from our platoon who later took them over to the detention facility. The vehicle was also taken over to the detention facility. Upon a more thorough search of the vehicle we recovered multiple weapons and improvised explosive device (IED) components and triggering device [REDACTED]

This statement consisting of this page and 1 other page was typed for me by SA [REDACTED] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq.

Witnessed [REDACTED]

[REDACTED]
Representative, NCIS

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

b7c

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: CAMP RAMADZ, IRAQ

Date: 11 OCT 05

[REDACTED], have been
advised by SA [REDACTED] OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE that I am
suspected of VIOLATION OF UCMJ ARTICLE 118, MURDER [REDACTED]

[REDACTED] also been advised that:

[REDACTED] Any prior illegal admissions or other improperly obtained evidence which incriminated me
cannot be used against me in a trial by court-martial [REDACTED]

[REDACTED] have the right to remain silent and make no statement at a [REDACTED]

[REDACTED] Any statement I do make can be used against me in a trial by court-martial or other judicial
or administrative proceeding [REDACTED]

[REDACTED] have the right to consult with a lawyer prior to any questioning. This lawyer may be a
civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my
counsel at no cost to me, or both [REDACTED]

[REDACTED] I have the right to have my retained civilian lawyer and/or appointed military lawyer present
during this interview; [REDACTED]

[REDACTED] I may terminate this interview at any time, for any reason [REDACTED]

[REDACTED] understand my rights as related to me and as set forth above. With that understanding, I have
decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a
lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have
been made to me [REDACTED]

Signature: [REDACTED]

Date & Time: 11 OCT 05 1620

Witnessed: [REDACTED]

11 OCT 05 1620

b7c

At this time, I, [REDACTED], desire to
make the following voluntary statement. This statement is made with an understanding of my rights as
set forth above. It is made with no threats or promises having been extended to me.

D35

STATEMENT

Place : Camp Ramadi, Iraq HQ Battalin 1-172

Date : October 11, 2005

[REDACTED] make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of an Iraqi detainee while in custody [REDACTED]

For purposes of identification, I am a white male with Social Security number [REDACTED] I was born on [REDACTED] in [REDACTED] I am [REDACTED] and weight approximately [REDACTED] pounds. I live at [REDACTED] I am a [REDACTED] with United States Army [REDACTED]

On 09OCT05 my unit was on patrol in the Tammin area of Ramadi, Iraq. Our tank units reported seeing a black Opal acting suspiciously in our area of response. I saw the vehicle in question and had my Humvee approach the black Opal from the front. My unit dismounted and approached the Opal with weapons drawn. As soon as I dismounted my Humvee, I immediately notice a rifle barrel protruding from the back seat of the Opal [REDACTED]

The driver of the vehicle jumped out of the Opal and began yelling and pointing at the other two occupants. I was very suspicious of his behavior and felt very threaten knowing there were three occupants and only four dismounted soldiers. The area where we detained the occupants was a known sniper area because of the high rise apartment building located near by. I was planning to separate the occupants to interrogate but felt time was critical [REDACTED]

I notice my driver [REDACTED] was struggling to maintain his occupant. The occupant was wearing a white shirt and baggy with pants. I started walking in his direction when I saw the occupant start running away. My first thought was this occupant was going to set off an IED and blow up the [REDACTED] vehicle, killing my soldiers. I knew the individuals had not been searched for weapons and felt this occupant who was running away constituted an immediate threat. I also could not see the occupant's hands as he ran away from me. I believe I heard [REDACTED] yell "Stop"; however I did not yell anything. I fired approximately 3 to 4 shots. I saw 1 or 2 of my rounds hit the occupant in the head. I also saw [REDACTED] engage the occupant but do not recall how many rounds he fired. I did not see anyone else engage the suspect [REDACTED]

light vehicle was Booby Trapped was not searched

I immediately returned to my Humvee and reported the incident to my command. I order [REDACTED] to approach the body and take pictures of the body. I do not recall if [REDACTED] searched the body or not. My thought when getting the picture was to gather intelligence on the individual. After the shooting, I also positioned my Humvees to better provide cover from sniper [REDACTED]

b7c

D36

[REDACTED] don't recall how the restraints were placed on the occupants or what they used. However, I know their hands were bound and their shirts placed over their heads. Both occupants were placed into [REDACTED] Humvee for transport to Camp Ramadi. Once on Camp Ramadi I did not have much contact with the detainees. I did not notice any blood or any other injuries to the detainees [REDACTED]

[REDACTED] This statement consisting of this page and 1 other page was typed for me by [REDACTED] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq.

Witness [REDACTED]

[REDACTED] representative, NCIS

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

b2c

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Camp Remade, Iraq
Date: 11 OCT 05

I, [REDACTED], have been
advised by SA [REDACTED] of the Naval Criminal Investigative Service that I am
suspected of UCMJ Article 128 Assault Committed by a Battery
Violations of

I have also been advised that:

- [REDACTED] Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- [REDACTED] I have the right to remain silent and make no statement at all;
- [REDACTED] Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- [REDACTED] I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- [REDACTED] I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- [REDACTED] may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature [REDACTED]

Date & Time: 11 OCT 2005 1545HRS

Witnessed: [REDACTED]
[REDACTED] 11 OCT 2005

b7c

At this time, I, [REDACTED], desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

D38

STATEMENT

Place : Camp Ramadi, Iraq HQ Battalin 1-172

Date : October 11, 2005

[REDACTED] US Army, make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the injuries sustained by an Iraq detainee [REDACTED]

For purposes of identification, I am a [REDACTED] male with Social Security number [REDACTED] I was born on [REDACTED] in [REDACTED] I am [REDACTED] inches' tall, weigh [REDACTED] pounds, and have [REDACTED] hair and [REDACTED] eyes. I am currently stationed at Camp Ramadi, Iraq. My current unit is Alpha Company 1st of the 172 Armor Division, US Army [REDACTED]

On 09OCT05 at approximately 1715 radio traffic in our Humvee indicated that there were three guys on the side of the road and they appeared to be rigging something. The call came from a tank that was positioned at outpost "Jones." The second call came from the same tank indicating that the males jumped into a black Opel and left the area. We were patrolling near the incident location and responded to intercept the Opel. Once we pulled on Route Moore we stopped one vehicle and the second Humvee drove around us to the second vehicle. The second vehicle was the one in question and it was occupied by three Iraqi males. [REDACTED]

Once we reached the second vehicle I jumped out and pointed my weapon at the occupants. I told my gunner to watch the rooftops. As I approached the vehicle the occupants were already challenged at gunpoint by the soldiers from the second Humvee. [REDACTED] announced to everyone that he sees an AK-47 in the vehicle. The occupants were ordered to exit the vehicle and I ran around to where the passenger was seated. The passenger was in the process of opening his door and I grabbed him and pushed him to the ground. Because I was in an exposed position we gathered up all three detainees and placed them in between the Opel and one of the Humvees. This provided us some protection from potential threats [REDACTED]

Shortly after I heard [REDACTED] yell; "Get the fuck off!" I turned to see what was happening while keeping one hand on the detainee. I then saw the detainee that [REDACTED] was talking to start running off and shots were fired. As the shots were fired the detainee in my control jerked and attempted to flee. In an attempt to keep him from running off I held him with one hand by the back of his shirt and as he jerked I punched him in the jaw with my right fist. This was a quick reaction to keep him from getting away. I then forced him to his knees and as the gunfire stopped he kept resisting. The detainee began to slip out of my control and I used the buck of my rifle to strike him on the side of his head. This caused him to stop resisting and no further force was used [REDACTED]

b7C

D39

Once everything was under control the two detainees' [REDACTED]
[REDACTED] recovered from one of the home which we entered a few weeks ago. The detainees and the vehicle were searched and several apparent improvised explosive devices (IED) components were recovered. The detainees were then transported back to Camp Ramadi and their vehicle was towed by our Humvee. Once on the base, the detainees and the evidence were turned over to three persons from our platoon who took them to the detention center [REDACTED]

[REDACTED] statement consisting of this page and 1 other page was typed for me by SA [REDACTED] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me this 11th day of October 2005 at the Camp Ramadi, Iraq.

Witness [REDACTED]

[REDACTED]
Representative, NCIS

Auth: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

b7C

b7E

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

DUSTA: [REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] SPECIALISTS, ARNG

On 11OCT05, [REDACTED] Specialist United States Army National Guard, Alpha Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

[REDACTED] stated on 09OCT05, his unit, Alpha Company 1-172, was conducting security patrol of the Tammim area of Ramadi, Iraq. Sometime during the patrol, a call came in from the tank positioned at the Observation Post (OP). The tank reported a black Opel was pulled along side the road and the occupants looked to be emplacing possible IEDs. [REDACTED] report his unit responded to the incident and block the black Opel as it started to drive away. [REDACTED] reported his unit dismounted their Humvee with guns at the ready. [REDACTED] stated he saw the barrel of an AK-47 sticking up from the back seat of the Opel. The front passenger of the Opel dismounted and began to yell something and pointing at the other two occupants of the vehicle.

[REDACTED] reported as he got closer to the Opel he could see several weapons and IED components in the back seat of the OPAL. [REDACTED] stated after searching the vehicle he went back to the Humvee to monitor the radio. On the way back to the Humvee [REDACTED] reported he could see [REDACTED] on the side of the Opel. [REDACTED] stated [REDACTED]

[REDACTED] was moving around a lot trying to get his guy under control. [REDACTED] reported [REDACTED] was showing more force, pushing the occupant, when the occupant appeared to start grabbing for [REDACTED] rifle. By this time [REDACTED] stated he had reached the side of the Humvee and could no longer see [REDACTED]. [REDACTED] reported he did not see the shooting, however he heard the gunshots ring out. When he looked around the side of the Humvee, [REDACTED] reported seeing the occupant approximately 30 clicks away lying on the ground.

[REDACTED] reported after the shooting, he did not see anyone approach the body. When asked why he didn't try to administer first aid, [REDACTED] replied he didn't approach the body because he felt the occupant could have had a weapon or some remote device that could explode.

[REDACTED] reported he came to this conclusion based on the weapons and devices he witnessed in the back seat of the Opel. [REDACTED] relayed he didn't hear anyone saying much after the shooting. [REDACTED] stated the unit remained on scene for 10 to 15 minutes as they [REDACTED]

[REDACTED] reported he didn't see anyone strike the detainees the whole time they were there.

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

19293

EXHIBIT 160

D41

12OCT05-MEBJ-0700-7HMA

SUBJ: [REDACTED] ARNG

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

BIOGRAPHICAL DATA

EMPLOYMENT: UNITED STATES ARMY NATIONAL GUARD

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: MEBJ/ DET CAMP BLUE DIAMOND, IRAQ

b7c

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[REDACTED] V2 LNY

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HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(IES) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

19294

D42

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
DUSTA [REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] SPECIALIST, ARNG

On 11OCT05, [REDACTED] Specialist United States Army, Alpha Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at Headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

[REDACTED] reported, on 09OCT05, his unit was on routine patrol in the Tammim area of Ramadi, Iraq. [REDACTED] reported he was the turret gunner of his Humvee. [REDACTED] stated they were alerted to a vehicle, black Opel, was acting suspiciously by a tank at the Observation Post (OP). [REDACTED] reported the unit intercepted the vehicle soon after the report. [REDACTED] stated he did not exit the Humvee but instead operated the gun turret on his Humvee. [REDACTED] reported he saw the unit members approach the black Opel but didn't see much else because he was busy manning his gun. [REDACTED] stated he moved his gun turret in the opposite direction to cover the high rise building behind where the unit was deployed. [REDACTED] stated he heard some commotion and turned to see one of the occupants running away from the Opel. [REDACTED] reported he could not see who was firing because much of what happen was behind him. [REDACTED] reported he stayed focused on the high rise building because his unit had taken fire from this building previously.

[REDACTED] reported he believes he saw someone approach the body but could not confirm who it was. [REDACTED] stated he did not see how the [REDACTED] reported the detainees were placed in the back of his Humvee and taken back to the company command post aboard Camp Ramadi. [REDACTED] stated he did not see any injuries to the detainees but stressed his attention was focused on the surrounding areas providing cover to the mounted patrol.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. ARMY NATIONAL GUARD

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/ DET CAMP BLUE DIAMOND, IRAQ

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Page 1

LAST

V2 LNY

WARNING

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HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

19295

EXHIBIT (13)

243

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEJB-0700-7HMA

[REDACTED]
DUSTA: [REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] SPECIALIST, ARNG

On 11OCT05, [REDACTED] United States Army, Alpha Company 1-172, was interviewed by Reporting Agent (RA) in Ramadi, Iraq. The interview took place aboard Camp Ramadi, Iraq at Headquarters Battalion 1-172. The purpose of the interview was to gather information concerning the shooting death of V/SERHAN.

[REDACTED] advised on 09OCT05, his unit was working security patrol in the Tammim area of Ramadi, Iraq. During the patrol, the tank at the Observation Post (OP) advised his unit of a black Opel in the area acting suspiciously. [REDACTED] stated his unit proceeded to the area to intercept the black Opel. As they arrived in the area, [REDACTED] advised the black Opel was leaving the area. [REDACTED] stated his unit intercepted the black Opel as it was driving away.

[REDACTED] stated he was the mounted gunner on his Humvee. [REDACTED] advised as soon as they blocked the Opel from leaving the Humvee team dismounted and approached the Opel. [REDACTED] stated as the units were dismounting the Humvee, he moved his turret away from the Opel to cover the rear area. [REDACTED] advised he moved his turret to watch the towers scanning the rooftops looking for threats. [REDACTED] advised he stayed in the rear seat of the Humvee to operate the [REDACTED] system.

[REDACTED] relayed he didn't see anything once his unit dismounted the Humvee. [REDACTED] reported hearing gun shots outside the Humvee, but was unable to maneuver [REDACTED] to the Humvee. [REDACTED] stated shortly after the gunfire, [REDACTED] ARNG, came to the Humvee to report the incident to command. [REDACTED] stated he heard [REDACTED] report an occupant had reached for [REDACTED] weapon and then tried to run away and was shot and subsequently killed.

[REDACTED] advised he believed the detainee's [REDACTED] stated he did not know what was used to [REDACTED] stated he did not see any injuries or blood on the detainees, but stressed he did not have much dealings with the detainees. [REDACTED] advised the detainees were brought back to Camp Ramadi and that the Tactical Humit Team (THT) was called to interrogate the detainees. [REDACTED] advised later on he heard one of the detainees was butt stroked with a weapon when he was trying to escape during the gunfire. [REDACTED] advised he could not remember who told him this or what soldier butt stroked the detainee.

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19296

EXHIBIT (14)

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b7E

D44

12OCT05-MEBJ-0700-7HMA

SUBJ: [REDACTED] ARNG

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. ARMY NATIONAL GUARD

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: MEBJ/ DET CAMP BLUE DIAMOND, IRAQ

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19297

D45

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
DUSTIA: [REDACTED]

ACQUISITION OF PHOTOGRAPHS/11OCT05

1. On 11OCT05 Reporting Agent (RA) interviewed [REDACTED] regarding his involvement in the shooting death of V/SERHAN. Subsequent to being advised of his UCMJ Article 31b rights [REDACTED] provided RA with five digital pictures taken on 09OCT05 depicting the deceased V/SERHAN. RA was also provided one digital picture depicting [REDACTED], detainee [REDACTED] and [REDACTED] detainee [REDACTED] along with the weapons and improvised explosive device (IED) components recovered from their vehicle. Enclosures (A) through (F) pertain.

ENCLOSURE(S)

- (A) Photograph taken on 09OCT05 by [REDACTED] depicting V/SERHAN/11OCT05
- (B) Photograph taken on 09OCT05 by [REDACTED] depicting V/SERHAN/11OCT05
- (C) Photograph taken on 09OCT05 by [REDACTED] depicting V/SERHAN/11OCT05
- (D) Photograph taken on 09OCT05 by [REDACTED] depicting V/SERHAN/11OCT05
- (E) Photograph taken on 09OCT05 by [REDACTED] depicting V/SERHAN/11OCT05
- (F) Photograph taken on 09OCT05 by [REDACTED] depicting [REDACTED], detainee [REDACTED] and [REDACTED] detainee [REDACTED] along with the weapons and improvised explosive device (IED) components recovered from their vehicle/11OCT05

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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EXHIBIT (15)

D46

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DELETED PAGE INFORMATION SHEET

Page(s) D47 - D52, Encl (A) - (F) to
Exh(15)

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☒ Deleted under exemption(s) b7C

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Referred for review and direct response to you.

☐ Pages contain information furnished by other government
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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

DUSTA: [REDACTED]

LIAISON WITH [REDACTED]/CIV/INTERROGATOR CAMP RAMADI DETENTION
CENER/11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA [REDACTED] effected liaison with [REDACTED] CIV, a contracted Department of Defense interrogator at the Ar Ramadi Detention Center (ARDF). On 09OCT05 [REDACTED] was the first person to interrogate [REDACTED] CIV, detainee [REDACTED] and [REDACTED] CIV, detainee [REDACTED]. [REDACTED] stated that during his interrogations the detainees gave conflicting stories of what took place on 09OCT05 prior to their apprehension by soldiers of Taskforce Saber of Alpha Company 3rd Battalion 172nd Infantry Regiment, ARNG. However, both detainees gave similar version regarding the shooting death of V/SERHAN. Both alleged that one of the soldiers (NFI) told V/SERHAN to walk away from where they were apprehended and as he was walking the soldiers shot V/SERHAN in the back killing him without reason. According to [REDACTED] both detainees were interrogated separately and based on similarities of their allegation he notified [REDACTED] USMC, Ar Ramadi Detention Facility (ARDF) [REDACTED] of potential violations of UCMJ.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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LAS [REDACTED]

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EXHIBIT (16)

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//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
DUSTA: [REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] CIV/DETAINEE
[REDACTED]/11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA [REDACTED] interviewed [REDACTED] CIV, Camp Ramadi detainee [REDACTED]. The interview took place at the Camp Ramadi Detention Center (ARDF). [REDACTED] a self proclaimed insurgent, was apprehended on 09OCT05 by members of Taskforce Saber 1-172 Armor, ARNG while patrolling the Tammin area of Ar Ramadi, Iraq. Moments prior to his capture [REDACTED] was observed emplacing improvised explosive devices (IEDs) in the roadway intended to kill U.S. Forces.

2. Shortly after arriving at ARDF, [REDACTED] was interrogated by [REDACTED] a civilian contracted Department of Defense interrogator. On 09OCT05 [REDACTED] alleged that soldiers who captured them shot and killed V/SERHAN. According to [REDACTED] the soldiers instructed V/SERHAN to walk away and as he did several soldiers shot and killed him for no apparent reason. RA requested that [REDACTED] sit in on the interview and advise RA of any inconsistencies between the allegations voiced on 09OCT05 and 11OCT05.

3. RA and PA questioned [REDACTED] regarding the incident and he initially gave the same account of events as previously told to [REDACTED]. However, further questioning refuted his original story and he finally admitted that he was in no position to observe what took place. [REDACTED] ultimately stated that he heard the shooting but did not know what caused the soldiers to fire their weapons. He added that at the time V/SERHAN was shot he was at least 10 meters from the soldiers.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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EXHIBIT (7)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

DUSTA: [REDACTED] IRAQ

RESULTS OF INTERVIEW OF [REDACTED] CIV/DETAINEE
11OCT05

1. On 11OCT05 Reporting Agent (RA) and Participating Agent (PA) SA [REDACTED] interviewed [REDACTED] /CIV, Camp Ramadi detainee [REDACTED]. The interview took place at the Camp Ramadi Detention Center (ARDF) [REDACTED] a self proclaimed insurgent, was apprehended on 09OCT05 by members of Taskforce Saber 1-172 Armor, ARNG while patrolling the Tammin area of Ar Ramadi, Iraq. Moments prior to his capture [REDACTED] was observed emplacing improvised explosive devices (IEDs) in the roadway intended to kill U.S. Forces.

2. Shortly after arriving at ARDF [REDACTED] was interrogated by [REDACTED], a civilian contracted Department of Defense interrogator. On 09OCT05 [REDACTED] alleged that soldiers who captured them shot and killed V/SERHAN. According to [REDACTED] the soldiers instructed V/SERHAN to walk away and as he did several soldiers shot and killed him for no apparent reason. RA requested that [REDACTED] sit in on the interview and advise RA of any inconsistencies between the allegations voiced on 09OCT05 and 11OCT05.

3. RA and PA questioned [REDACTED] regarding the incident and he initially gave the same account of events as previously told to [REDACTED]. However, further questioning refuted his original story and he finally admitted that he was in no position to observe what took place. Moreover, [REDACTED] first stated that the soldier who instructed V/SERHAN to walk away spoke in Arabic while detainee [REDACTED] claimed the soldier spoke in English. [REDACTED] ultimately stated that he heard the shooting but did not know what caused the soldiers to fire their weapons. He added that at the time V/SERHAN was shot he was at least 15 meters from the soldiers.

REPORTED BY: [REDACTED] SPECIAL AGENT
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EXHIBIT (18)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14OCT05

CONTROL: 12OCT05-MEBJ-0700-7HMA

[REDACTED]
DUSTA: [REDACTED]

LIAISON WITH [REDACTED] USMC, SJA 2MARDIV/12OCT05

1. On 12OCT05 RA advised [REDACTED] of the findings in the investigation. RA advised that based on multiple interrogations and interviews of the soldiers and detainees, the soldiers acted within the rules of engagement. [REDACTED] concurred with RA's findings and indicated the investigation would be endorsed by the Commanding General, 2MARDIV and forwarded to MNF-W per MNC-I LOAC reporting requirements.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: MEBJ/NCIS DET CAMP BLUE DIAMOND, IRAQ

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